

on or about November 20 and 29, 1935, from Front Royal, Va., by the Old Virginia Packing Co., Inc., and that they were adulterated and misbranded in violation of the Food and Drugs Act as amended. The articles, contained in jars, were labeled: "Net Weight 1 Pound, D. G. S. Brand Pure Blackberry [or "Peach", "Pineapple", "Strawberry", or "Raspberry"] Preserves Distributed by District Grocery Stores Washington, D. C."

All of the articles except the so-called "Pineapple Preserves" were alleged to be adulterated (1) in that water, added pectin, and acid had been mixed and packed with the articles, so as to reduce, lower, or injuriously affect their quality; (2) in that water, added pectin, and added acid had been substituted in part for the articles, respectively, and (3) in that water, added pectin, and added acid had been mixed with the articles, respectively, in a manner whereby inferiority was concealed. The so-called "Pineapple Preserves" were alleged to be adulterated (1) in that added acid had been mixed and packed with the article so as to reduce, lower, or injuriously affect its quality; (2) in that added acid had been substituted in part for the article; and (3) in that added acid had been mixed with the article in a manner whereby inferiority was concealed.

The articles were alleged to be misbranded (1) in that the statements on the label, "Pure Blackberry Preserves", "Pure Peach Preserves", "Pure Pineapple Preserves", "Pure Strawberry Preserves", or "Pure Raspberry Preserves", as the case might be, and "Net Weight 1 Pound", were false and misleading and tended to deceive and mislead the purchaser when applied to products of the composition found and to packages containing less than 1 pound thereof. The articles were alleged to be further misbranded in that they were imitations of and offered for sale under the distinctive names of other articles; and in that they were food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the quantity stated was not correct.

On April 17, 1936, no claimant having appeared, judgment of condemnation was entered, and it was ordered that the products be disposed of in accordance with law.

M. L. WILSON, *Acting Secretary of Agriculture.*

**25982. Adulteration and alleged misbranding of wine. U. S. v. 64 Bottles of Lombardi Blackberry Wine. Default decree of condemnation. Product delivered to Secretary of Treasury for disposal according to law. (F. & D. no. 37180. Sample no. 51173-B.)**

This case involved interstate shipments of so-called blackberry wine which was artificially colored grape wine containing little or no blackberry flavor, and which contained less alcohol than the percentage thereof represented on the label.

On January 30, 1936, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of the District of Columbia, holding a district court, a libel praying seizure and condemnation of forty-six 1-gallon bottles and eighteen 1-quart bottles of so-called blackberry wine at Washington, D. C., alleging that the article was being offered for sale in the District of Columbia, and that it was adulterated and misbranded in violation of the Food and Drugs Act. The article was labeled in part: "Lombardi Blackberry Wine Alcoholic Contents 24-28 Proof \* \* \* Bottled from tax paid packages by the Roma Wine & Liquor Co., Baltimore, Md."

The article was alleged to be adulterated in that an artificially colored grape wine containing little or no blackberry flavor had been substituted for blackberry wine, which the article purported to be; and in that the article was mixed and colored in a manner whereby inferiority was concealed.

The article was alleged to be misbranded in that the statement "Blackberry Wine \* \* \* 24-28 Proof" was false and misleading and tended to deceive and mislead the purchaser when applied to an artificially colored grape wine containing little or no blackberry flavor, and containing 10.6 percent of alcohol by volume. The article was alleged to be misbranded further, in that it was an imitation of and was offered for sale under the distinctive name of another article.

On April 8, 1936, no claimant having appeared, a decree of condemnation holding the product adulterated was entered, and it was ordered that the product be delivered to the Secretary of the Treasury for disposal by him in accordance with law.

M. L. WILSON, *Acting Secretary of Agriculture.*